

ANDOVER BOARD OF HEALTH

Minutes

October 5, 2009, 6 P.M.

1st Floor Conference Room

36 Bartlet Street

The Board of Health meeting was called to order at 6:00 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- **Regular Meeting of September 14, 2009**

Motion by Ms. Martin, seconded by Ms. Kellman to approve the Minutes of the Regular Meeting of September 14, 2009. Unanimous Approval.

II. Appointments & Hearings

- **Board Reorganization**

Motion by Ms. Martin, seconded by Dr. Miller, to appoint Ms. Katherine Kellman as Board of Health Clerk. Unanimous approval.

- **6:00 p.m. – Jeffrey and Lisa Clark for 103 Haggetts Pond Road – Request for Variance to 310 CMR 15.211 to allow sono tubes to be 2' from a septic tank and pump chamber where 10' is required**– Present were homeowners, Jeffrey and Lisa Clark who explained that they wanted to have two covered entrances to the house because they have a family member with a disability. Mr. Carbone explained that the homeowners were requesting the Variance so they could change their deck to a permanent structure by adding a roof. Normally this is not recommended because excavating a tank could undermine the structure and not allow enough room for a backhoe to swing without causing damage. The system is located high up on a hill in the front of the house, so only a small excavator could be brought in anyway. Mr. Carbone explained that the property has a retaining wall which supports the fill in the leachfield and would support the sono tubes as well. Also, the way the support structure for the roof has been designed, if there are issues with the septic system and one support must be removed, the roof will remain stable. Mr. Carbone recommended approval of the Variance.

Motion by Dr. Miller, seconded by Ms. Martin to approve the Variance to 310 CMR 15.211 to allow sono tubes to be 2' from a septic tank and pump chamber where 10' is required. Unanimous approval.

Mr. Carbone informed Mr. and Mrs. Clark that he would send them a letter approving the Variance that they would have to file at the Registry of Deeds.

III. Discussion

- **Set 2010 Permit Fees** – Mr. Carbone explained that the state has guidelines to follow for the amount that can be charged for permit fees. This year, Mr. Carbone advised the Board to raise fees that were not raised last year. These fees included some animal permits and some construction permits. Mr. Carbone explained that the Board had talked in the past about setting up an Enterprise Fund that would fund a Health Inspector with the fees collected, but that was not an option at this time.

Motion by Ms. Martin, seconded by Dr. Miller, to approve the updated permit fee schedule for 2010. Unanimous approval.

IV. Old Business

- **Kirkland Drive** - Mr. Carbone informed the Board that he spoke with the Health Director in Methuen who sent Mr. Carbone some information on civil lawsuits. Mr. Carbone will be meeting with Mr. Reginald Stapczynski, Town Manager, to discuss the use of Town Counsel. Mr. Carbone will get paperwork ready in case Town Counsel can proceed with a court action. Mr. Carbone drove by the property the other day, and noted that there was no more progress on the cleanup of the property.
- **Salt Shed Update** – Mr. Carbone stated that he has not received a response yet from Ms. Levenworth's office. However, Mr. Carbone did sit in on a conference call with Mr. Stapczynski, Town Manager, concerning the Mass Highway Yard at the 125 Bypass because cyanide was found there when environmental work was being done.
- **Animal Regulation Review** – Mr. Carbone informed the Board that Dr. Lindsay was willing to sit on a committee. Ms. Nicosia-Stanton is interested, as well as a resident who called to ask about his chickens. Mr. Carbone recommended starting the committee in January and suggested the Board members talk with people they know who may be interested in participating. Mr. Carbone also recommended making Regulations as opposed to the By-law. The Committee should consist of five to seven people, and run for approximately six months. Mr. Carbone will put this item on the December 14, 2009 regular Board of Health Meeting so the Board can discuss this issue again.

V. Definitive Subdivision Plans

- **Pine Forest Park – Revisions to Subdivision Submittal for Private Water Supply**- This was an informational session only. Since the Board had a split vote last month and did not deny the Definitive Plan, the plan went to the Planning Board with no decision from the Board of Health. Now the filing has changed, so the Board has forty-five days to approve the plan. Mr. Carbone asked the Board to either have a

special meeting, or move the November Board of Health Meeting to November 2nd because the approval window of 45 days would not be met otherwise. The Board decided to move the November Board of Health Meeting from November 16th to November 2nd. The Subdivision was now going back to the previous plan to use wells for its water supply instead of an inter-municipal agreement with the Town of North Reading. The last time they proposed well testing, there were high levels of sodium and chlorides, but now they have proposed a treatment program to deal with that. Mr. Carbone also wants a consultant to go over the new well plans.

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approvals (LUA) –

- **5 Candlewood Drive – Numerous LUA's Continued** –Mr. Carbone explained that the original plan had conflicting LUA's, so could not be approved in the past. The Engineer has since sent over new plans with ten LUA's. Mr. Carbone recommended approval of the new plans.

Motion by Dr. Miller, seconded by Ms. Martin to approve the ten LUA's listed below for 5 Candlewood Drive:

1. *Septic tank, 5' to property line, where 10' is required*
2. *Septic tank, 5' to foundation where 10' is required*
3. *Pump chamber, 5' to property line, where 10' is required*
4. *Pump chamber, 5' to foundation, where 10' is required*
5. *SAS, 5' from property Line, where 10' is required*
6. *SAS, 16' from foundation, where 20' is required*
7. *Septic tank, 95' from BVW, where 100' is required*
8. *Septic tank, 111' from stream, where 200' is required*
9. *Pump chamber, 115' from stream, where 200' is required*
10. *SAS, 100' from stream, where 200' is required*

Unanimous Approval.

- **10 Stouffer Circle- Allow SAS to be 4' above SHWT, 5' Required** - Mr. Carbone recommended approval of the LUA.

Motion by Ms. Martin, seconded by Dr. Miller to approve the LUA to Allow the SAS to be 4' above SHWT, where 5' is required. Unanimous approval.

- **11 Dean Circle - Allow SAS to be 15' from Foundation, 20' Required; Tank 67' from Wetland, 100' Required; Pump Chamber 70' from Wetland, 100' Required; SAS 61' from Wetland, 100' Required-** Mr. Carbone explained that the Board had already approved the LUA for the foundation setback, but Conservation Agent, Linda Cleary, realized that the wetland is actually closer than indicated on the plan. Mr. Carbone explained

that was a separate issue and did not stop the Board from voting on the LUA's at this time.

Motion by Ms. Martin, seconded by Ms. Kellman to approve the LUA to allow the SAS to be 15' from the foundation where 20' is required; tank to be 67' from the wetland, where 100' is required; Pump Chamber to be 70' from Wetland, where 100' is required; SAS to be 61' from Wetland, where 100' is required. Unanimous approval.

- **29 Iron Gate Drive – Allow SAS to be 12' from Foundation, 20' Required; SAS 7' from Lot line, 10' Required; Sieve analysis in Lieu of Percolation Test** – Mr. Carbone explained to the Board that the Engineer misread the Regulations, and that the only LUA that would be needed for 29 Iron Gate Drive was a Sieve analysis in Lieu of a Percolation Test. This plan may come back later if Ms. Cleary, Conservation Agent, has issues with the wetlands. Mr. Carbone recommended approval.

Motion by Ms. Martin, seconded by Dr. Miller to approve the sieve analysis in lieu of percolation test for 29 Iron Gate Drive. Unanimous Approval.

VII.

Staff Reports

A. Director's Report:

- **Important Dates:**
 - **October 7 @ 7 p.m. – Special Town Meeting** – The Board noted that the meals tax was on the agenda again, even though the tax was voted down after the special Town Meeting on Monday, August 31, 2009.
 - **October 27 to 30th**, MHOA Conference in Springfield
 - **November 16 @ 6 p.m.** – Board of Health Meeting – After discussion concerning the time frame for a decision on the Subdivision plans for Pine Forest Park, the Board moved up the November Board of Health Meeting to Monday, November 2, 2009.

B. Nurses' Report for September, 2009 –The Nurses' report was not available.

C. Inspectors' Reports for September, 2009 –The Inspectors' Reports were not available.

VIII. Board Member Reports

- **Chandler Road Fire Station Health Code Violations (In Correspondence)** – Ms. Martin asked about the Health Code violations, and commented that a lot of the issues seem to be housekeeping issues, as well as some structural problems.

- **DEP Letter to Morris Gray, DPW Director concerning Rogers Brook Watershed and Drainage Issues (In Correspondence)** – Mr. Carbone offered his help, but Mr. Gray replied that he had the situation under control.
- **Update on Recycling Regulation for Condominiums (Not on Agenda)** - Mr. Carbone informed the Board that he had no update for the Board at this time.
- **Mainline Creamery Letter from Mr. Carbone (Not on Agenda)** – The Board members told Mr. Carbone that they saw his rebuttal letter to the owner of the Mainline Creamery in the Andover Townsman. They felt his letter was well written.

IX. Adjournment

Motion by Dr. Miller, seconded by Ms. Martin to adjourn at 7:02 p.m. Unanimous approval.